

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15282 of Nicholas S. Demas, et al., pursuant to 11 DCMR 3108.1, for a special exception under Section 726 to allow an auto repair garage on the first floor in a C-2-A District at the rear of 1020 Bladensburg Road, N.E., (Square 4074, Lot 827).

HEARING DATE: April 25, 1990
DECISION DATE: April 25, 1990 (Bench Decision)

SUMMARY ORDER

The application was originally advertised under Section 3107.2 as a use variance from the provisions of Section 721 of the Zoning Regulations as determined by the Zoning Administrator's letter. In the alternative the application was advertised as a special exception under Sections 3108.1 and 726. The Board determined at the hearing that the appropriate relief was under 726 of 11 DCMR.

The site of the application is located in Advisory Neighborhood Commission ANC 5B. ANC 5B, which is automatically a party to the application, did not file a written statement of issues and concerns.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5B and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 726. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the granting the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not adversely affect the use of neighboring property in accordance with the Regulations and Maps. It is therefore

ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. The hours of operation shall not exceed 7:30 A.M. to 7:00 P.M., Monday through Saturday;
2. The applicant shall provide for trash collection from the premises at least twice per week;
3. The applicant shall police the exterior of the premises when the garage is in use to ensure that the area is free of trash and debris;
4. Automobiles shall not be stored outside of the premises, nor shall automobiles be parked in the adjacent alleys while in the custody of the operator of the garage; and
5. There shall be no body or fender work conducted on the premises;
6. This Order shall be effective for a period of FIVE (5) years.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Tersh Boasberg and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 9 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT

IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15282order/BHS18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15282

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAY 9 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

William H. Thompson
332 - 16th Street, N.E.
Washington, D.C. 20002

Nicholas S. Demas, et al
5010 Sangamore Road
Bethesda, MD 20816

George A. Boyd, Chairperson
Advisory Neighborhood Commission 5-B
Webb Elementary School
1375 Mt. Olivet Road, N.E.
Washington, D. C. 20002

A handwritten signature in black ink, appearing to read "ELC", followed by a long horizontal line.

EDWARD L. CURRY
Executive Director

DATE: MAY 9 1990